IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 17493 of 2007(G)

PETITIONER:

SHAHAL HASSAN MUSALIAR,
MANAGER, TKM COLLEGE OF ARTS AND SCIENCE,
KOLLAM.

BY ADV. SRI.HARUN-AL-RASHID

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY, HIGHER EDUCATION (D) DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION, THIRUVANANTHAPURAM.

3. UNIVERSITY OF KERALA REPRESENTED BY THE REGISTRAR, KERALA UNIVERSITY, THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.
GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON 19/07/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the Government Order along with the name of the colleges.

Ext.P2: True copy of the letter dated 7.9.2004.

Ext.P3: True copy of the vacancy position as on 2006 along with the workload in the T.K.M.College of Arts and Science dated 27.6.2006.

Ext.P4: True copy of the said letter dated 18.4.2006.

Ext.P5: True copy of the judgment in W.P.(C)No.30126 dated 12.1.2007.

Ext.P6: True copy of the judgment in W.P.(C)No.15639 dated 31.5.2004.

Ext.P7: True copy of the order dated 4.5.2007.

// True copy //

P.A. To Judge

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A.K.BASHEER, J.

W.P.(C)No.17493 OF 2007

Dated this the 19th day of July, 2007

JUDGMENT

Petitioner is the manager of an aided Arts and Science College. His grievance is that the respondents are refusing to give concurrence to the request made by the management for creation of two posts of Lecturer in Bio-Chemistry and also to appoint a Lecturer in the already sanctioned post of Bio-Chemistry. The other grievance is that neither the Government nor the University concerned are taking any steps to send their respective nominees to the Staff Selection Committee.

2. Learned Government Pleader, after getting instructions, submits that the request made by the petitioner to depute the Government nominee was found to be defective and it was therefore that no orders could be passed. However, learned counsel for the petitioner submits that the defect noted by the Government had already been cured and the application had been forwarded through proper channel

on June 30, 2007. In that view of the matter, I do not find any reason why the Government shall not depute its nominee without any further delay. However, learned Government Pleader submits that even if the Government deputes its nominee, that may not be treated as its concurrence for creation of two posts of Lecturer in Bio-Chemistry. As regards the other sanctioned post in Bio-Chemistry, he submits that the petitioner and the University may be directed to ensure that all statutory formalities are complied with before final orders are passed.

3. In the above facts and circumstances, writ petition is disposed of with a direction to respondent no.1 to depute its nominee to the Staff Selection Committee of the petitioner's college as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. Similarly, respondent no.3 shall also depute its nominee within the period specified above. For selection to the post of Lecturer in bio-chemistry, which is stated to have been sanctioned by the authorities concerned.

4. It is made clear that it will be open to the Directorate to take up the matter with the University, if any, clarification is necessary with regard to work load etc. in accordance with law. As regards the claim for creation of two posts of lecturer in Bio Chemistry, it is made clear that an appropriate decision in the matter shall be taken by the University and the Government within three months. Petitioner shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. The participation of the nominee of the Government shall not be treated as an act of concurrence for creation of posts.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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